

From: Chemerys, Ruth [Chemerys.Ruth@epa.gov]
Sent: 6/30/2020 3:07:24 PM
To: Hurd, Kathy [Hurd.Kathy@epa.gov]
Subject: tribes with TAS for WQS as "affected states" - I think this can move to next review
Attachments: Tribes as Affected States v.5 clean.docx; Tribes as Affected States v.5 wFred edits.docx

Kathy - I addressed Fred's comments on the language we asked him to review. Attached is a revised partially clean draft and markup.

One I have a few other things, I'll send to Mindy and Carrie for review. (Simma is developing clean revised drafts of enforcement papers, and I'm checking with Brett to make sure version on SP reflects the workgroup discussion last week)

Let me know if you want to review again (I don't think it needs to go back to workgroup)

Ruth

From: Leutner, Fred <Leutner.Fred@epa.gov>
Sent: Wednesday, June 24, 2020 11:28 AM
To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Cc: Siegal, Tod <Siegal.Tod@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Anderson, Danielle <Anderson.Danielle@epa.gov>
Subject: RE: Q for Fred: 404(g) draft language on tribes with TAS for WQS as "affected states"

Hi Ruth,

Thanks for the opportunity to review the reg text and preamble language. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if you want to discuss this further.

Fred

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Thursday, June 18, 2020 2:58 PM
To: Leutner, Fred <Leutner.Fred@epa.gov>
Cc: Siegal, Tod <Siegal.Tod@epa.gov>
Subject: Q for Fred: 404(g) draft language on tribes with TAS for WQS as "affected states"

Fred-

In the 404(g) rule options selection, Dave Ross and the Regional reps agreed with the approach of treating tribes with TAS for water quality standards as “affected states” for purposes of receiving notices of and commenting on state-issued permits that may affect tribal waters. We’re now in the process of drafting reg and preamble language on this and other issues.

We had talked in one of our workgroups some time ago that we might say something to the effect that when a tribe receives TAS for WQS, they could automatically be treated as affected states for 404(g). The draft language is as follows:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ruth

Ruth Chemerys

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